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J1025 U.S. PTO

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

J1025 U.S. PTO  
10/010213  
12/04/01

In re the application of ) Examiner: Not Assigned  
Burbank et al. ) Group Art Unit: Not Assigned  
For: **METHODS AND APPARATUS** ) Customer No.: 23422  
**FOR SECURING MEDICAL** )  
**INSTRUMENTS TO DESIRED** )  
**LOCATIONS IN A PATIENT'S** )  
**BODY** )  
Serial No.: Not Assigned )  
Filed: December 4, 2001 )  
Docket. No.: 9619-1011 )

REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Express Mail Label No.: EL 730 230 275 US  
Mailed on December 4, 2001

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/146,185, filed September 1, 1998, of Fred H. Burbank, Paul Lubock, Michael L. Jones, and Richard L. Quick, for **METHODS AND APPARATUS FOR SECURING MEDICAL INSTRUMENTS TO DESIRED LOCATIONS IN A PATIENT'S BODY**, which is incorporated herein in its entirety.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

- /X/ the same as those named in the prior application.
- / less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:
- / amendment below;
- /X/ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	201				\$370
Independent Claims	202	5 - 3=	2 x	\$42=	84
Total Claims	203	42 -20=	22 x	\$ 9=	198

**Total Fees Due .....\$652**

4. Payment of Filing Fees:
- /X/ Enclosed is a check in the amount of \$652.
- /X/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 13-0201, referencing Docket No. 09619-1011. **A duplicate copy of this paper is attached.**
5. The prior application is assigned to SenoRx, Inc.
6. The power of attorney in the prior application is to: **Edward J. Lynch.**
- /X/ The power appears in the original papers in the prior application.
- /X/ Associate Power of Attorney and Change of Correspondence Address was filed November 20, 2001 (copy enclosed).
7. **Please address all future correspondence to:**

**Edward J. Lynch  
Coudert Brothers LLP  
600 Beach Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94109-1312**

8. Documents enclosed:

- /X/ Copy of prior complete application as filed (including the signed Declaration and Power of Attorney);
- /X/ Copy of Associate Power of Attorney and Change of Correspondence Address filed November 20, 2001;
- /X/ Preliminary Amendment and Information Disclosure Statement;
- /X/ Form PTO-1449;
- /X/ 12 Sheets of Formal Drawings;
- /X/ Return Receipt Postcard.

Respectfully submitted,

By: \_\_\_\_\_

James A. Fox  
Registration No. 38,455

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